

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
ALLBAND COMMUNICATIONS COOPERATIVE)	
for a license to provide basic local exchange service)	
in seven currently unserved areas in Alcona, Alpena,)	Case No. U-15385
Presque Isle, Montmorency, Gladwin, Ogemaw,)	
and Oscoda counties.)	
_____)	

At the November 8, 2007 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
Hon. Monica Martinez, Commissioner
Hon. Steven A. Transeth, Commissioner

OPINION AND ORDER

On August 31, 2007, Allband Communications Cooperative (Allband) filed an application, under the Michigan Telecommunications Act (MTA), MCL 484.2101 *et seq.*, to expand its license to provide basic local exchange service to permit the cooperative to provide service in seven currently unserved areas in Alcona, Alpena, Presque Isle, Montmorency, Gladwin, Ogemaw, and Oscoda counties. Allband also requested approval of a temporary license.¹ On October 19, 2007, Allband submitted a minor revision to its application.

¹On October 25, 2007, Allband was granted a temporary license to provide service in these areas.

Allband served a notice of opportunity to comment on other local exchange carriers and all county clerk offices in the area the company plans to serve. The comment due date was October 29, 2007. Only two comments were filed with the Commission.

Jack Decker, an acknowledged non-resident in any of the affected areas, noted in his comments that Osirus Communications, Inc. (Osirus), had filed an application to serve some of the same exchanges.² Mr. Decker expressed concern that action on Osirus' application should not adversely affect Allband's application. He also stated that neither Osirus nor Allband should be designated as the incumbent local exchange carrier (ILEC) at this time. He also requested that the Commission question Allband as to whether it will offer local calling service or broadband service to adjacent exchanges.

Verizon North Inc. and Contel of the South, Inc. d/b/a/ Verizon North Systems (Verizon) stated that it has no objections to Allband's application. Verizon did raise questions concerning whether "Allband will have the necessary facilities within its service area adjacent to Verizon's exchanges to interconnect with Verizon at the exchange boundaries." Verizon's comments, p. 2.

As the Commission has noted in the past, "[i]ssues regarding ILEC status and the array of services to be offered, or interconnection negotiation terms, are not relevant to this licensing proceeding, which addresses only whether the company will be granted the opportunity to provide service." *See*, October 9, 2007 order in Case No. U-15356, p. 2.

The Commission finds that approval of Allband's application is in the public interest. The expansion of the license is conditioned on compliance with the anti-slamming procedures adopted in Case No. U-11900, the number portability provisions of the MTA, and the number reclamation process adopted in Case No. U-12703. The expansion of the license is conditioned upon the

²*See*, Case No. U-15356.

provision of service to customers in the added exchanges within a reasonable time. Failure to comply fully with those procedures may result in revocation of the license and other penalties.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, MCL 484.2101 *et seq.*; 1969 PA 306, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, 1999 AC, R 460.17101 *et seq.*
- b. Amending Allband's license to provide basic local exchange service in the currently unserved areas is in the public interest.

THEREFORE, IT IS ORDERED that:

- A. The license of Allband Communications Cooperative to provide basic local exchange service is amended to include seven currently unserved areas in Alcona, Alpena, Presque Isle, Montmorency, Gladwin, Ogemaw, and Oscoda counties described in its application.
- B. Allband Communications Cooperative shall provide basic local exchange service in accordance with the regulatory requirements specified in the Michigan Telecommunications Act, MCL 484.2101 *et seq.*, including the number portability provisions of MCL 484.2358, the anti-slamming procedures adopted in Case No. U-11900, and the number reclamation process adopted in Case No. U-12703.
- C. Before commencing basic local exchange service in the areas added to the license by this order Allband Communications Cooperative shall submit its tariff reflecting the services that it will offer and identifying the additional exchanges in which it will offer service.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Orjiakor N. Isiogu

Chairman

(S E A L)

/s/ Monica Martinez

Commissioner

/s/ Steven A. Transeth

Commissioner

By its action of November 8, 2007.

/s/ Mary Jo Kunkle

Its Executive Secretary

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of November 8, 2007.

Its Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-15385

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County of Ingham)

E. David Lechler being duly sworn, deposes and says that on November 8th, 2007, A.D. he served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

E. David Lechler

Subscribed and sworn to before me
this 8th day of November 2007

Sharron A. Allen
Notary Public, Ingham County, MI
My Commission Expires August 16, 2011

SERVICE LIST FOR DOCKET # U - 15385-
DATE OF PREPARATION: 11/08/2007

CASE #

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